



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Attorney Docket No. 040301/0229**

In re patent application of  
**Syuichi SEKINE, et al.**

Serial No. **09/924,592**

**Application for Reissue of U.S. Patent No. 5,936,583,  
Granted August 10, 1999**

Filed: **August 9, 2001**

For: **PORTABLE RADIO COMMUNICATION DEVICE WITH WIDE BANDWIDTH  
AND IMPROVED ANTENNA RADIATION EFFICIENCY**

**BROADENING REISSUE DECLARATION UNDER 37 C.F.R. §1.175**

Commissioner for Patents  
Washington, DC 20231

Sir:

We, Syuichi SEKINE, Minoru SAKURAI, Tadahiko MAEDA, Yasuo SUZUKI,  
and Syuichi OBAYASHI declare that:

1. Our residence, post office address and citizenship are stated below next to our names.
2. We believe that we are the original, first and joint inventors of the subject matter which is described and claimed in patent number 5,936,583, granted August 10, 1999.

3. We have reviewed and understand the contents of the subject matter described and claimed in U.S. Patent No. 5,936,583 and in the foregoing specification for which a reissue patent is sought on the invention entitled **PORTABLE RADIO COMMUNICATION DEVICE WITH WIDE BANDWIDTH AND IMPROVED ANTENNA RADIATION EFFICIENCY** as well as any claims amended by any amendment specifically referred to in this Broadening Reissue Declaration and any new claims added as specifically referred to in this Broadening Reissue Declaration.

4. We acknowledge the duty to disclose information which is material to examination of the application in accordance with 37 C.F.R. § 1.56(a).

5. We claim benefit under 35 U.S.C. § 119 of Japanese Application No. 4-260938, filed September 30, 1992 and Japanese Application No. 5-096990, filed March 31, 1993, a certified copy of each which is of record in the file of the undersigned's original Letters Patent 5,936,583.

6. There are no foreign applications or inventor's certificates having a filing date before that of the application on which priority is claimed.

7. We believe U.S. Patent No. 5,936,583 ("the '583 patent") is wholly or partly inoperative or invalid by reasons of my claiming less than we had the right to claim in the patent.

8. The '583 patent failed to include claims that specifically recite two additional and different radio communication devices with a pivotable device casing that is pivotably connected to a main device casing, in combination with the other features recited in claims 3-16. Although these embodiments were described in the '583 patent in relation to a preferred embodiment of the invention, no claim of the '583 patent was directed specifically to such embodiment. The failure to include any claim directed to this embodiment resulted in an error of claiming less than we were entitled to claim in the patent, thereby rendering

the patent wholly or partly inoperative or invalid. The addition of claims 3-16 corrects this error.

9. The specific error is the absence of claims having a breadth and scope as follows:

**(Reissue independent claim 3)** A radio communication device, comprising:  
a main device casing that includes a microphone disposed thereon; an antenna mounted to the main device casing; and a pivotable device casing that is pivotably connected to the main device casing, wherein the pivotable device casing includes a speaker, and wherein the pivotable device is configured to be pivoted away from the main device casing so that a user's head is positioned at least a predetermined distance away from the antenna when the user's head is positioned against the pivotable device casing.

**(Reissue dependent claim 4)** The radio communication device as claimed in claim 3, further comprising:  
a pivotable mechanism that pivotably connects the pivotable device casing and the main device casing.

**(Reissue dependent claim 5)** The radio communication device as claimed in claim 4, wherein the pivotable mechanism extends outward from an exterior surface of the main device casing.

**(Reissue dependent claim 6)** The radio communication device as claimed in claim 5, wherein the exterior surface of the main device casing includes the microphone on the lower half of the main device casing.

**(Reissue dependent claim 7)** The radio communication device as claimed in claim 4, wherein the pivotable mechanism is disposed between the main device casing and the pivotable device.

**(Reissue dependent claim 8)** The radio communication device as claimed in claim 3, wherein the main device casing has a substantially rectangular shape.

**(Reissue dependent claim 9)** The radio communication device as claimed in claim 3, wherein the main device casing has a first portion and a second portion, and wherein the second portion has a greater thickness than the first portion.

**(Reissue dependent claim 10)** The radio communication device as claimed in claim 9 further comprising:  
a pivotable mechanism that pivotably connects the pivotable device casing and the main device casing, wherein the pivotable mechanism is located at the intersection of the first portion and the second portion of the main device casing.

**(Reissue dependent claim 11)** The radio communication device as claimed in claim 10, wherein the thickness of the first portion of the main device casing is approximately one half the thickness of the second portion of the main device casing.

**(Reissue dependent claim 12)** The radio communication device as claimed in claim 11, wherein the thickness of the pivotable device casing is approximately one half the thickness of the second portion of the main device casing.

**(Reissue dependent claim 13)** The radio communication device as claimed in claim 12, wherein when the pivotable device casing and the main device casing are placed against each other, the shape of the radio communication device is substantially rectangular.

**(Reissue dependent claim 14)** A radio communication device as claimed in claim 3, wherein a first radiation field of the antenna that is incident on the user's head is less than a second radiation field of the antenna that is incident on the user's head, wherein the first radiation field of the antenna corresponds to a condition when the main device casing is pivoted further away from the pivotable device casing than a condition corresponding to

the second radiation field of the antenna when the main device casing is pivoted closer to the pivotable device casing.

**(Reissue dependent claim 15)** A radio communication device as claimed in claim 3, wherein the length of the pivotable device casing is approximately one half of the length of the main device casing.

**(Reissue dependent claim 16)** A radio communication device as claimed in claim 4, wherein the distance between the speaker, located on the pivotable device casing, and the microphone, located on the main device casing, can be adjusted specifically for the user.

10. The above-described claims 3 to 16 are described in the original patent specification of U.S. Patent 5,936,583, are for the same general invention as the claims in U.S. Patent 5,936,583, and enabled by the original patent specification such that 35 U.S.C. § 112 first paragraph is satisfied as indicated below, and there is nothing in the original patent specification that indicates an intent not to claim the subject matter of the above claims 3-16:

Claims 3-4, 15-16: Support found in Figures 40A, 40B, 42A and 42B; Table 1 of U.S. Patent 5,936,583;

Claims 5-6, 8: Support found in Figures 40A and 40B; Table 1 of U.S. Patent 5,936,583;

Claims 7, 9-13: Support found in Figures 42A and 42B; Table 1 of U.S. Patent 5,936,583; and

Claim 14: Support found in Figures 41A and 41B; Tables 1, 29 of U.S. Patent 5,936,583.

11. All errors corrected in this reissue application arose without any deceptive intention on the part of the applicants.

12. By this reissue declaration, the undersigned desire to seek broadened claims and, specifically, to submit new claims for broadening reissue as submitted in the reissue application herewith.

**WHEREFORE**, the undersigned petitioners pray that they may be allowed to surrender original Letters Patent 5,936,583 and do hereby offer same.

**The undersigned petitioners hereby appoint:**

---

PHILLIP J. ARTICOLA	Reg. No. 38,819
STEPHEN A. BENT	Reg. No. 29,768
DAVID A. BLUMENTHAL	Reg. No. 26,257
BETH A. BURROUS	Reg. No. 35,087
ALAN I. CANTOR	Reg. No. 28,163
WILLIAM T. ELLIS	Reg. No. 26,874
JOHN J. FELDHAUS	Reg. No. 28,822
PATRICIA D. GRANADOS	Reg. No. 33,683
JOHN P. ISACSON	Reg. No. 33,715
MICHAEL D. KAMINSKI	Reg. No. 32,904
LYLE K. KIMMS	Reg. No. 34,079
KENNETH E. KROSIN	Reg. No. 25,735
JOHNNY A. KUMAR	Reg. No. 34,649
GLENN LAW	Reg. No. 34,371
PETER G. MACK	Reg. No. 26,001
BRIAN J. MC NAMARA	Reg. No. 32,789
SYBIL MELOY	Reg. No. 22,749
RICHARD C. PEET	Reg. No. 35,792
GEORGE E. QUILLIN	Reg. No. 32,792
BERNHARD D. SAXE	Reg. No. 28,665
CHARLES F. SCHILL	Reg. No. 27,590
RICHARD L. SCHWAAB	Reg. No. 25,479
HAROLD C. WEGNER	Reg. No. 25,258

---

as the undersigned's petitioner's attorneys, with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, and request that all correspondence be sent to FOLEY & LARDNER, 3000 K Street, NW, Suite 500, Washington, DC 20007-5109, (202) 672-5300.

The undersigned petitioners declare that all statements made herein of the undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Syuichi SEKINE

*Syuichi Sekine* 10/18/2001 S.S.

Signature: *Syuichi Sekine*

Date: October 18, 2001

Residence: Chiba-ken, Japan

Citizenship: Japan

Post Office Address: c/o Intellectual Property Division,  
Toshiba Corporation 1-1-1, Shibaura,  
Minato-ku, Tokyo, Japan

Minoru SAKURAI

Signature: *Minoru Sakurai*

Date: October 18, 2001

Residence: Tokyo, Japan

Citizenship: Japan

Post Office Address: c/o Intellectual Property Division,  
Toshiba Corporation 1-1-1, Shibaura,  
Minato-ku, Tokyo, Japan

Tadahiko MAEDA

Signature: *Tadahiko Maeda*

Date: October 18, 2001

Residence: Kanagawa-ken, Japan

Citizenship: Japan

Post Office Address: c/o Intellectual Property Division,  
Toshiba Corporation 1-1-1, Shibaura,  
Minato-ku, Tokyo, Japan

Yasuo SUZUKI

Signature: Yasuo Suzuki Date: October 18, 2001

Residence: Kanagawa-ken, Japan Citizenship: Japan

Post Office Address: c/o Intellectual Property Division,  
Toshiba Corporation 1-1-1, Shibaura,  
Minato-ku, Tokyo, Japan

Syuichi OBAYASHI

Signature: Shuichi Obayashi Date: October 18, 2001

Residence: Chiba-ken, Japan Citizenship: Japan

Post Office Address: c/o Intellectual Property Division,  
Toshiba Corporation 1-1-1, Shibaura,  
Minato-ku, Tokyo, Japan